

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

JOANNE HOLLAND, §  
§  
Plaintiff, §  
§  
-v- §  
§ Civil No. 3:10-cv-0908  
ERIC K. SHINSEKI, Secretary § ECF  
of Veterans Affairs §  
§  
Defendant. §

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JOINT MOTION TO AMEND THE SCHEDULING ORDER

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TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

NOW COME Plaintiff JoAnne Holland and Defendant Eric K. Shinseki, Secretary of Veterans Affairs (“Parties”) and file this their Joint Motion to Amend the Scheduling Order. In support, the Parties respectfully show the following:

**I.**

**PROCEDURAL HISTORY**

1. On May 5, 2010 Plaintiff filed her Original Complaint in this Court.
2. On July 17, 2010 Defendant filed its Answer to Plaintiff’s Original Complaint.
3. On August 2, 2010 the Parties filed their Joint Status Report.
4. On August 10, 2010 this Court entered its Scheduling Order in this matter.
3. This case is set for trial on the Court’s four-week docket beginning September 26, 2011.

II.

ARGUMENTS AND AUTHORITIES

A District Court has the right to manage its docket, set deadlines, enforce its own orders and take other action to manage its docket and ensure the efficiency of litigation. *Edwards v. Cass County*, 919 F. 2d 273, 275 (5<sup>th</sup> Cir. 1990); *Flaska v. Little River Marine Const. Co.*, 389 F.2d 885, 887, 888 n.3 (5<sup>th</sup> Cir. 1968). Further, Federal Rule of Civil Procedure 83(b) gives district courts the authority to regulate practice in any manner consistent with the Federal Rules of Civil Procedure or federal law. FED. R. CIV. P. 83(b).

The parties have been diligent in litigating this case in that they have exchanged extensive written discovery and have already been through numerous administrative law hearings relating to this matter. However, the parties are still in the process of scheduling depositions and are exchanging further written discovery. The parties have been diligent in scheduling mediation. However, because of scheduling conflicts, the parties are unable to complete mediation until April 19, 2011. Because the parties are in need of additional time to conduct discovery, attend mediation, and adequately prepare for trial in this matter, they respectfully request that the Court amend the following deadlines set forth in the Scheduling Order as follows:

Deadline for completion of mediation	April 19, 2011
Deadline for dispositive motions	May 29, 2011
Deadline for completion of discovery	May 15, 2011

The above-amended deadlines are not sought for purposes of delay but so that this case may be litigated fully and fairly. Furthermore the above-amended deadlines will not affect the trial date in this matter.

WHEREFORE PREMISES CONSIDERED Plaintiff and Defendant pray that their Joint Motion to Amend Scheduling Order be granted, that the Court enter an Order Amending the Scheduling Order as described herein or as the Court deems just and equitable and for such other and further relief to which the parties may show themselves to be justly entitled.

Respectfully submitted,

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